

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEWAYNE A. JACKSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:10-CV-00043
CRIM. NO. 2:04-CR-144(1)
JUDGE GRAHAM
MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On July 15, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. For the reasons that follow, Petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner objects to the Magistrate Judge's recommendation of dismissal of his claims. He objects to the Magistrate Judge's recommendation of dismissal of claim one, wherein he asserts that his attorney failed to inform the court that an unnamed witness approached defense counsel, stating she witnessed a pregnant juror "jump over a four foot wall out of fear of Jackson's family members." *Objections*, at 2. He objects to the Magistrate Judge's discussion regarding the possible bias of Crystal Weiner. Petitioner indicates that he instead is referring to an unnamed witness who approached defense counsel who, in turn, failed to bring the matter to the attention of the Court. Nothing in the record, however, supports Petitioner's claim. The emails referred to by Petitioner indicate that the unnamed witness "did not think it was a big deal and does not want to get involved

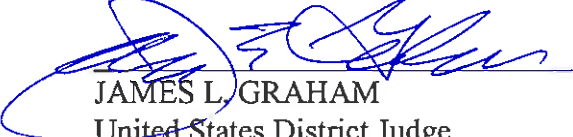
any further.” Moreover, the record is without any support for Petitioner’s allegation of potential juror bias.

Petitioner also complains that the Magistrate Judge failed properly to review the record, and “merely took a pro-prosecution” stance. *Objections*, at 2. He again raises all of the arguments he previously presented.

Pursuant to 28 U.S.C. § 636(b), this Court conducts a *de novo* review. For the reasons detailed in the Magistrate Judge’s *Report and Recommendation*, Petitioner’s objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

Date: October 21, 2011


JAMES L. GRAHAM
United States District Judge